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Deposited June 20, 2001

I hereby certify that the attached correspondence, identified below, is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box PCT, Attention: DO/EO/US, Washington, DC 20231.

By: Tony Morris
(person *actually* depositing)

Patent Application of: NICHOLS, et al.

Title: A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE
FOR A GOAL BASED SYSTEM UTILIZING AN ACTIVITY TABLE

☒ PTO Form 1390 - Transmittal Letter Concerning a Filing under 35USC371 (2 sheets)
☒ International Publication WO 00/38141
☒ International Preliminary Examination Report
☒ 2 Forms PCT/IB/306
☒ Certificate of Express Mailing
☒ Return Postcard

Attorney Docket No.: 05222.00159

PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

To:

RECEIVED
DOCKET

JUN 14 2001

MILLER, L. Charles
Banner & Witcoff, Ltd.
Suite 3000
Ten South Wacker Drive
Chicago, IL 60606-7407
ETATS-UNIS D'AMERIQUE

BANNER & WITCOFF, LTD.

hfc

Date of mailing (day/month/year) 29 May 2001 (29.05.01)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference AND1P025.P 05222-00056	
International application No. PCT/US99/02716	International filing date (day/month/year) 08 February 1999 (08.02.99)

1. The following indications appeared on record concerning:

☐ the applicant ☐ the inventor ☒ the agent ☐ the common representative

Name and Address STEPHENS, L., Keith Hickman Stephens & Coleman, LLP P.O. Box 52037 Palo Alto, CA 94303-0746 United States of America	State of Nationality	State of Residence
	Telephone No. 650 470 7430	
	Facsimile No. 650 470 7440	
	Teleprinter No.	

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☒ the person ☒ the name ☒ the address ☐ the nationality ☐ the residence

Name and Address MILLER, L. Charles Banner & Witcoff, Ltd. Suite 3000 Ten South Wacker Drive Chicago, IL 60606-7407 United States of America	State of Nationality	State of Residence
	Telephone No. 312 715 1000	
	Facsimile No. 312 715 1234	
	Teleprinter No.	

3. Further observations, if necessary:

4. A copy of this notification has been sent to:

☒ the receiving Office ☐ the designated Offices concerned
☐ the International Searching Authority ☒ the elected Offices concerned
☒ the International Preliminary Examining Authority ☐ other:

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Athina Nickitas-Etienne
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

To:

MILLER, L. Charles
Banner & Witcoff, Ltd.
Suite 3000
Ten South Wacker Drive
Chicago, IL 60606-7407
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year) 29 May 2001 (29.05.01)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference AND1P025.P	
International application No. PCT/US99/02716	International filing date (day/month/year) 08 February 1999 (08.02.99)

1. The following indications appeared on record concerning:

☒ the applicant ☐ the inventor ☐ the agent ☐ the common representative

Name and Address

AC PROPERTIES B.V.
Parkstraat 83
NL-2514 JG, 'S Gravenhage
Netherlands

State of Nationality

NL

State of Residence

NL

Telephone No.

Facsimile No.

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☐ the person ☒ the name ☐ the address ☐ the nationality ☐ the residence

Name and Address

ACCENTURE PROPERTIES (2) B.V.
Parkstraat 83
NL-2514 JG, 'S Gravenhage
Netherlands

State of Nationality

NL

State of Residence

NL

Telephone No.

Facsimile No.

Teleprinter No.

3. Further observations, if necessary:

4. A copy of this notification has been sent to:

<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned
<input type="checkbox"/> the International Searching Authority	<input checked="" type="checkbox"/> the elected Offices concerned
<input checked="" type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Athina Nickitas-Etienne

Telephone No.: (41-22) 338.83.38

REC'D 19 APR 2001

WIPO

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

14

Applicant's or agent's file reference WO 27781	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/02716	International filing date (day/month/year) 08/02/1999	Priority date (day/month/year) 22/12/1998
International Patent Classification (IPC) or national classification and IPC G09B7/04		
Applicant AC PROPERTIES B.V. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 7 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 24/07/2000	Date of completion of this report 11.04.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Simonini, S Telephone No. +49 89 2399 8575



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US99/02716

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-44 as originally filed

Claims, No.:

1-18 as originally filed

Drawings, sheets:

1/16-16/16 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US99/02716

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 4,8,13.

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 4,8,13 are so unclear that no meaningful opinion could be formed (*specify*):
see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos. .

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims 1-3,5-7,9-12,14-18

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US99/02716

	No:	Claims	
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-3,5-7,9-12,14-18
Industrial applicability (IA)	Yes:	Claims	1-3,5-7,9-12,14-18
	No:	Claims	

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US99/02716

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Claims 4, 8 and 13 have been excluded from examination because their subject matter is not clear (Art.6 PCT): authorization information? Names as dimension?

Re Item VIII

Certain observations on the international application

The method claims are too broad in scope and are not supported by the description (Art.6 PCT). They should have contained a reference to the apparatus claims, for example "A method for operating the apparatus of claim...".

In the present wording their subject matter would not be regarded as patentable under certain national laws (e.g. EPC) since it is not of a technical nature.

The applicant should note that the scope of the claims of each application must be a clearly, defined separate scope (this to avoid double patenting in the national phase).

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Reference is made to the following document:

D1: WO 97 44766 A (AGENT BASED CURRICULA INC ;COOK DONALD A (US); PADWA DAVID J (US);) 27 November 1997 (1997-11-27)

2 The subject matter of **claim 1** cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons.
Document D1 (considered closest state of the art) discloses a method for creating a presentation (page 10, line 26) comprising the steps of receiving information indicative of a goal ("customization" of page 7, line

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US99/02716

37), integrating information that motivates accomplishment of the goal for use in the presentation (page 8, line 9), evaluating progress toward the goal (page 10, lines 28 to 31) and providing feedback that further motivates accomplishment of the goal (page 8, lines 8 to 13).

The subject matter of claim 1 differs therefrom in that information flow is managed utilising a linked list. This is considered standard practice in programming and is not seen as involving an inventive step.

- 3 The subject matter of **claim 10** cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons.
- Document D1 (considered closest state of the art) discloses an apparatus (the computer of page 1, line 8) that creates a presentation (page 10, lines 24 to 26), comprising a processor and a memory that stores information under the control of the processor (implicit in a computer), logic that integrates information that motivates accomplishment of the goal for use in the presentation (page 8, line 9), logic that evaluates progress toward the goal (page 10, lines 28 to 31).

The subject matter of claim 10 differs therefrom in that information flow is managed utilising a linked list. This is considered standard practice in programming and is not seen as involving an inventive step.

- 4 Dependent **claims 2, 3, 5 to 7, 9, 11, 12, 14 to 16 and 18** do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Art.33(3) PCT), the reasons being as follows:

- 4.1 The features of claims 2, 3, 11 and 12 are obvious in view of the fact that a linked list is being used.
- 4.2 The features of claims 6, 7, 15 and 16 do not seem to provide any technical effect.
- 4.3 The features of claims 5 and 14 are known from D1, the feedback

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US99/02716

discussed at page 8, lines 8 to 13.

- 4.4 The features of claims 9 and 18 are known from D1, the log-book of page 101, last paragraph.

Re Item VII

Certain defects in the international application

- 1 Independent claims 1 and 10 are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
- 2 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
 United States Patent and Trademark
 Office
 Box PCT
 Washington, D.C. 20231
 ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 29 August 2000 (29.08.00)	
International application No. PCT/US99/02716	Applicant's or agent's file reference AND1P025.P
International filing date (day/month/year) 08 February 1999 (08.02.99)	Priority date (day/month/year) 22 December 1998 (22.12.98)
Applicant NICHOLS, Mark, Stewart	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
 24 July 2000 (24.07.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Claudio Borton Telephone No.: (41-22) 338.83.38
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INTERNATIONAL SEARCH REPORT

International Application No

/US 99/02716

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 G09B7/04

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 G09B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 97 44766 A (AGENT BASED CURRICULA INC ;COOK DONALD A (US); PADWA DAVID J (US);) 27 November 1997 (1997-11-27) page 2, line 36 -page 3, line 30 page 7, line 19 -page 8, line 32 page 11, line 23 -page 12, line 21 page 52, line 10 -page 54, line 36; table 1 page 62, line 5 -page 63, line 18 -----	1-18



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

° Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

19 October 1999

Date of mailing of the international search report

03/11/1999

Name and mailing address of the ISA
European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Kingma, Y

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

US 99/02716

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
WO 9744766	A	27-11-1997	US	5727950 A	17-03-1998
			AU	3138397 A	09-12-1997
			AU	3209697 A	09-12-1997
			EP	0902935 A	24-03-1999
			WO	9744767 A	27-11-1997
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference AND1P025.P	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 99/ 02716	International filing date (day/month/year) 08/02/1999	(Earliest) Priority Date (day/month/year) 22/12/1998
Applicant AC PROPERTIES B.V. et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 2 sheets.
☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No. _____

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

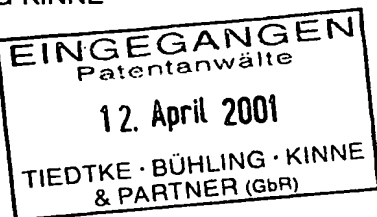
☒

None of the figures.

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

LESON, Thomas Johannes Alois
TIEDTKE-BÜHLING-KINNE
Bavariaring 4
D-80336 München
ALLEMAGNE



PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

11.04.2001

Applicant's or agent's file reference
WO 27781

IMPORTANT NOTIFICATION

International application No.
PCT/US99/02716

International filing date (day/month/year)
08/02/1999

Priority date (day/month/year)
22/12/1998

Applicant

AC PROPERTIES B.V. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/

 European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized officer

Schacht, I

Tel. +49 89 2399-2381



12. April 2001

TIEDTKE · BÜHLING · KINNE
& PARTNER (GmbH)

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference WO 27781	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US99/02716	International filing date (day/month/year) 08/02/1999	Priority date (day/month/year) 22/12/1998
International Patent Classification (IPC) or national classification and IPC G09B7/04		
Applicant AC PROPERTIES B.V. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 7 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 24/07/2000	Date of completion of this report 11.04.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Simonini, S Telephone No. +49 89 2399 8575 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/US99/02716**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-44 as originally filed

Claims, No.:

1-18 as originally filed

Drawings, sheets:

1/16-16/16 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

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- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US99/02716

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 4,8,13.

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 4,8,13 are so unclear that no meaningful opinion could be formed (*specify*):
see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos. .

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims 1-3,5-7,9-12,14-18

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

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	No:	Claims	
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-3,5-7,9-12,14-18
Industrial applicability (IA)	Yes:	Claims	1-3,5-7,9-12,14-18
	No:	Claims	

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

**INTERNATIONAL PRELIMINARY
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Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Claims 4, 8 and 13 have been excluded from examination because their subject matter is not clear (Art.6 PCT): authorization information? Names as dimension?

Re Item VIII

Certain observations on the international application

The method claims are too broad in scope and are not supported by the description (Art.6 PCT). They should have contained a reference to the apparatus claims, for example "A method for operating the apparatus of claim...".

In the present wording their subject matter would not be regarded as patentable under certain national laws (e.g. EPC) since it is not of a technical nature.

The applicant should note that the scope of the claims of each application must be a clearly, defined separate scope (this to avoid double patenting in the national phase).

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Reference is made to the following document:

D1: WO 97 44766 A (AGENT BASED CURRICULA INC ;COOK DONALD A (US); PADWA DAVID J (US);) 27 November 1997 (1997-11-27)

2 The subject matter of **claim 1** cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons.
Document D1 (considered closest state of the art) discloses a method for creating a presentation (page 10, line 26) comprising the steps of receiving information indicative of a goal ("customization" of page 7, line

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37), integrating information that motivates accomplishment of the goal for use in the presentation (page 8, line 9), evaluating progress toward the goal (page 10, lines 28 to 31) and providing feedback that further motivates accomplishment of the goal (page 8, lines 8 to 13).

The subject matter of claim 1 differs therefrom in that information flow is managed utilising a linked list. This is considered standard practice in programming and is not seen as involving an inventive step.

3

The subject matter of **claim 10** cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons.

Document D1 (considered closest state of the art) discloses an apparatus (the computer of page 1, line 8) that creates a presentation (page 10, lines 24 to 26), comprising a processor and a memory that stores information under the control of the processor (implicit in a computer), logic that integrates information that motivates accomplishment of the goal for use in the presentation (page 8, line 9), logic that evaluates progress toward the goal (page 10, lines 28 to 31).

The subject matter of claim 10 differs therefrom in that information flow is managed utilising a linked list. This is considered standard practice in programming and is not seen as involving an inventive step.

4

Dependent **claims 2, 3, 5 to 7, 9, 11, 12, 14 to 16 and 18** do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Art.33(3) PCT), the reasons being as follows:

4.1

The features of claims 2, 3, 11 and 12 are obvious in view of the fact that a linked list is being used.

4.2

The features of claims 6, 7, 15 and 16 do not seem to provide any technical effect.

4.3

The features of claims 5 and 14 are known from D1, the feedback

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discussed at page 8, lines 8 to 13.

- 4.4 The features of claims 9 and 18 are known from D1, the log-book of page 101, last paragraph.

Re Item VII

Certain defects in the international application

- 1 Independent claims 1 and 10 are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

- 2 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.